

Judge Karen A. Overstreet  
Hearing Date: May 8, 2013  
Hearing Location: Marysville 10:30  
Response Date: May 1, 2013

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re: ) Chapter 7  
 ) No. 11-19860  
ALEXANDER McLAREN )  
 ) MOTION TO SELL PROPERTY and NOTICE OF  
Debtor ) HEARING  
 )

**NOTICE OF HEARING**

On **May 8, 2013**, the Trustee will bring on for hearing his Motion to Sell Property. The hearing will be held before the Honorable Karen A. Overstreet, Bankruptcy Judge, at Marysville Municipal Court, Courtroom 1, 1015 State Avenue, Marysville, Washington, at 10:30 a.m. Any creditor or party in interest responding to this Objection must file its written objection with the Clerk of the Court and serve copies on the appropriate parties by **May 1, 2013**. If there are no timely filed objections, the Court may enter an order granting the requested relief prior to the scheduled hearing date.

**MOTION FOR ORDER AUTHORIZING TRUSTEE TO SELL PROPERTY**

The Trustee moves this Honorable Court for an order authorizing the sale of whatever interest the estate has in the vessel commonly known as the M/V Endeavour and the M/V Endeavour, LLC. to M.D. Moody and Sons, Inc., for \$15,000.00. Alexander McLaren, the Debtor, has failed to turn over the requested documents which would establish the extent of his ownership in these potential assets, despite an Order to do so dated February 28, 2013.

The facts in support of this Motion are found in the Declaration of Peter H. Arkison, the Trustee.

There are many complex legal issues in this case, including: 1) the pending appeal to the 11th Circuit, 2) the relationship of the M/V Endeavour, LLC, bankruptcy to the McLaren personal bankruptcy, 3) the relationship/priority of the claims of this bankruptcy estate versus the claims of

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1 M.D. Moody and Sons, Inc., in the admiralty action, to the M/V Endeavour, and 4) the interface of  
2 bankruptcy law with admiralty law. The issues are complex; there is no assurance that the Trustee  
3 prevail on any of them. It is clear that there a potential for extensive litigation; the estate is without  
4 the funds to retain an attorney to pursue those claims. Even if the Trustee were to prevail on all of  
5 the claims, M.D. Moody and Sons, Inc., would have an allowable claim, possibly a priority one, in  
an extremely large amount. The sale appears to be in the best interest of the estate.

Absent an objection, the provisions of F.R.B.P. 6004 (h) are to be waived.

Dated: April 16, 2013

s/ Peter H. Arkison  
Peter H. Arkison  
Trustee  
WSBA 5530